

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

DECISION AND ORDER
10-CR-188-A

JULIO MANUEL DE LEON-NAVARRO,
et al.,

Defendants.

This case was referred to Magistrate Judge H. Kenneth Schroeder for supervision of pre-trial proceedings. On December 5, 2011, the United States filed a motion that the Court order defendants Eric De Leon-Navarro, Sr., Carlos Cruz, Julio Manuel De Leon-Navarro, Eric De Leon, Jr., and Javier Santiago to provide voice exemplars to Special Agents of the Federal Bureau of Investigation. Defendants opposed the motion of the United States. On April 16, 2012, Magistrate Judge Schroeder issued a Decision and Order granting the motion of the United States and ordering the named defendants to provide voice exemplars on certain conditions. Dkt. No. 498.

Defendant Julio De Leon-Navarro filed an appeal of Magistrate Judge Schroeder's Decision and Order. Dkt. No. 501. Defendants Eric De Leon-Navarro, Sr., Eric De Leon, Jr., and Javier Santiago joined in the appeal. The Government filed a timely response. Dkt. No. 514. A reply, or notice of no

reply, by defendants was ordered due August 31, 2012, Dkt. No. 553, but was not filed. The Court heard oral argument on July 23, 2013.

Pursuant to 28 U.S.C. §636(b)(1)(A), the District Court “may reconsider any pretrial matter under this subparagraph (A), where it has been shown that the magistrate’s order is clearly erroneous or contrary to law.” *Id.* The Court has carefully reviewed Magistrate Judge Schroeder’s Decision and Order and the submissions of the parties. Upon such review, and after hearing argument from counsel for defendants and counsel for the United States, the Court finds that Magistrate Judge Schroeder’s Decision and Order is neither clearly erroneous nor contrary to law.

Accordingly, the Court affirms the Decision and Order. The case remains set for jury selection and trial August 20, 2013.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT JUDGE

DATED: July 26, 2013